



Home Office

# **Country Policy and Information Note**

## **China: Falun Gong**

**Version 2.0**

**November 2020**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 11 November 2020

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state because the person is a Falun Gong practitioner.

### 1.2 Points to note

- 1.2.1 Falun Gong is also known as Falun Dafa. Falun Gong actually refers to the practice, while Falun Dafa refers to the teaching of the movement, but the terms are often used interchangeably.

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

- 2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.
- 2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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### 2.3 Convention reason(s)

- 2.3.1 Falun Gong is regarded as a practice rather than a religion (see [Falun Gong](#)). Decision makers should not therefore treat Falun Gong as a religion within the meaning of the Refugee Convention.
- 2.3.2 In the country guidance case of [LL \(Falun Gong, Convention Reason, Risk\) China CG \[2005\] UKAIT 00122](#) (heard 29 July 2005 and promulgated 9 August 2005), the Upper Tribunal (UT) accepted that Falun Gong members do not constitute a PSG within the terms of the Refugee Convention for reasons described the Court of Appeal judgment in [L China v The Secretary](#)

[of State for the Home Department \[2004\] EWCA Civ 1441](#) (heard 21 September 2004 and promulgated 03 November 2004), that is ‘...because members of the Falun Gong possessed no immutable characteristics. Membership is a matter of choice, and a person can become a member and then cease to be a member at any time. The fact that members of the Falun Gong were persecuted could not itself qualify them for this purpose as members of "a particular social group", because it has been repeatedly stated that the particular social group must exist independently of the persecution’ (para 25).

2.3.3 The UT in [LL](#) held that:

‘It may be that members of Falun Gong do not see themselves as expressing a political opinion, and would certainly reject the proposition that they were a violent cult. Many practitioners would ascribe a spiritual dimension to their activity... Nevertheless, it seems clear to us on the objective evidence that the Chinese government imputes political opinion to them because of concern for their ability to mobilise public opinion on a very substantial scale outside the established structure of the Communist party, and they see this as a threat to the Communist Party and hence the state’ (para 32).

2.3.4 Where decision makers find that a Falun Gong practitioner is at risk of persecution on return to China, then the Convention ground will be ‘political opinion’, not ‘religion’ or ‘membership of a particular social group’.

2.3.5 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.

2.3.6 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

### a. Mainland China

2.4.1 Falun Gong, which uses meditation techniques and physical exercise to achieve good health and peace of mind, rose in popularity in the 1990’s with the group claiming to have had 100 million followers during the 1990’s. The number of those in China, out of a population of over 1.39 billion, currently believed to be practising Falun Gong ranges from 7 to 10 million although some sources suggest that the total number is between 20 to 40 million. Falun Gong reportedly remains active throughout China, but most prominently in Shandong and north-eastern China, although this is difficult to verify (see [What is Falun Gong?](#), [History](#) and [Religious demography](#)).

2.4.2 The government outlawed the Falun Gong movement in 1999. Falun Gong is regarded as an ‘evil cult’ by the Chinese government and is on the list of banned groups published on the China Anti-Cult (xie jiao) website. Criminal law provides for prosecution for persons belonging to groups considered ‘cult organisations’, with punishment of up to life in prison (see [Regulations on Religious Affairs \(RRA\)](#), [History](#) and [State treatment of Falun Gong practitioners](#)).

- 2.4.3 The Chinese Communist Party (CCP) maintain an extra judicial security group known as the 6-10 office, named after the 10 June 1999 crackdown on Falun Gong, which has the task of eradicating Falun Gong activities. The 6-10 office has reportedly created specialised facilities known as ‘transformation through re-education centres’ to force practitioners to relinquish their faith (see [State treatment of Falun Gong practitioners](#)).
- 2.4.4 Minghui, a website which reports on the Falun Gong, stated that over 6,000 Falun Gong practitioners were arrested during 2019. The same source also noted that 774 Falun Gong practitioners were sentenced for their faith in 2019, of those 96 practitioners died during the year, 19 of whom died in prisons, detention centres or police stations (see [Arrests](#) and [Torture and detention](#)).
- 2.4.5 The government pursues a well-established campaign, in some cases using violent efforts, to pressure practitioners to renounce their belief in and practice of Falun Gong. Practitioners are arrested throughout the country, with highest numbers from Shandong, Hebei and Sichuan (with over 1,000 cases in 2019) and commonly receive sentences of three to seven years’ imprisonment. Detained practitioners are reportedly subjected to various methods of physical and psychological coercion in attempts to force them to renounce their beliefs and practice. Reports have also cited allegations of torture and other ill treatment as well as deaths due to torture (see [Torture and detention](#)).
- 2.4.6 Falun Gong practitioners are long thought to have been subjected to forced organ harvesting whilst in detention (either prior to or after execution). An international expert Tribunal initiated by, but independent of, the International Coalition to End Transplant Abuse in China (ETAC) was formed in 2019 to investigate forced organ harvesting. The Tribunal found that forced organ harvesting had been committed for years on a significant scale and that Falun Gong practitioners were one, and probably the main source of organ supply. The Chinese government continue to deny claims that they involuntarily harvest the organs of prisoners of conscience, including members of Falun Gong (see [Organ harvesting](#)).
- 2.4.7 In the country guidance case of [LL](#) the Tribunal held that ‘... our first conclusion as to risk, from the objective evidence as a whole, is that, absent special factors, there will not normally be any risk sufficient to amount to “real risk” from the Chinese authorities for a person who practices Falun Gong in private and with discretion. On any assessment the number of Falun Gong practitioners in China is very large indeed. The figures quoted range from 2 million to some 100 million. So far as can be gathered from the evidence before us, the number of people who have faced detention or re-education by the Chinese authorities as a consequence of Falun Gong activity, whilst large in absolute terms, is a relatively small proportion of the overall number of practitioners. This indicates that the large majority of those who practice Falun Gong in China in privacy and with discretion do not experience material problems with the authorities’ (para 35).



- 2.4.8 The UT in [LL](#) also held that the respective assertions by both the Chinese authorities and Falun Gong sources, both of whom have their own agendas, should be viewed with caution (para 35).
- 2.4.9 The UT in [LL](#) held that ‘risk of material ill-treatment escalates significantly when a practitioner does engage in activities that are reasonably likely to bring him to the notice of the authorities. Such activities include the public practice of Falun Gong exercises, recruitment of new members, and dissemination of Falun Gong information. The risk of escalating ill-treatment also increases when a person who has previously come to the adverse attention of the authorities and has been detained/re-educated and warned against continuing Falun Gong activity, ignores that warning’ (para 37).
- 2.4.10 After release from detention, Falun Gong members may be put under surveillance and experience discrimination resulting in the loss of employment, which may extend to family members (see [State treatment of Falun Gong practitioners](#))
- 2.4.11 However, the UT went on to hold that ‘absent special factors and credible motivation, a person displaying limited knowledge of Falun Gong or limited involvement with it, is unlikely to be committed to undertaking activities on return to China that would bring him to the adverse attention of the authorities and materially increase his risk’ (para 38).
- 2.4.12 Decision makers must therefore consider whether the person – even if only practicing Falun Gong in their own home – would on return be at risk of such denunciation in their particular circumstances.
- 2.4.13 In cases where it is found that a Falun Gong practitioner would only practice in private on return and not be at risk of denunciation, the reasons for such ‘discretion’ will need to be considered. The Supreme Court in the case of [RT \(Zimbabwe\) & others v Secretary of State for the Home Department \[2012\] UKSC 38 \(25 July 2012\)](#) ruled that the rationale of the decision in [HJ \(Iran\)](#) applies to cases concerning imputed political opinion.
- 2.4.14 In [RT Zimbabwe](#) the Supreme Court held that ‘the Convention affords no less protection to the right to express political opinion openly than it does to the right to live openly as a homosexual. The Convention reasons reflect characteristics or statuses which either the individual cannot change or cannot be expected to change because they are so closely linked to his identity or are an expression of fundamental rights.’ (Para 25)
- 2.4.15 However, the UT in [LL](#) specifically found that Falun Gong meditation and exercises can be carried out alone or with a few friends in private, and that there does not appear to be any duty or pressure on a Falun Gong practitioner to proselytise, even though some do. The UT endorsed the earlier view expressed by the Court of Appeal in [L China](#) that ‘We are not prepared to accept that authoritarian pressure to cease the practice of Falun Gong in public would involve the renunciation of core human rights entitlements’ (Para 36).
- 2.4.16 Although [LL](#) considered country information ranging from 1999-2004 the current available information does not support a departure from these findings.



- 2.4.17 It is therefore unlikely that a Falun Gong practitioner who conceals aspects of his or her activities on return would on that account alone be able to demonstrate a risk of persecution or serious harm. However, if a person conceals their beliefs and a material reason for this is the fear of persecution that would follow if they lived openly, then they should also be considered as a refugee.
- 2.4.18 Those who engage in activities that are likely to bring them to the notice of the authorities, including the public practice of Falun Gong exercises, recruitment of new members, and dissemination of Falun Gong information or those who have previously come to the adverse attention of the authorities for their membership, or perceived membership of Falun Gong, are likely to be at risk of persecution and/or serious harm. Each case, however, must be considered on its facts with the onus on the person to demonstrate that are likely to be at risk.
- 2.4.19 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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#### b. Hong Kong

- 2.4.20 Falun Gong is not illegal in Hong Kong and is practiced openly, although adherents have been physically attacked by societal actors. However, a new National Security Law (NSL) was introduced on 30 June 2020, which is potentially wide ranging and could be used by the authorities to arrest anyone who challenges the state's authority. The Hong Kong government has so far declined to comment on how the new law would impact Falun Gong, but said the law preserves 'the basic rights and freedom lawfully enjoyed by law-abiding citizens.' The law makes no mention of religious or spiritual groups (see [Falun Gong in Hong Kong](#)).
- 2.4.21 For consideration of claims from Hong Kong consider in conjunction with the Country Policy and Information Note, [China: Hong Kong National Security Law](#)

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#### 2.5 Protection

- 2.5.1 Where the person has a well-founded fear is of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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#### 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 12 October 2020

## 3. Religion in China

### 3.1 Religious demography

- 3.1.1 The Central Intelligence Agency's World Factbook stated that as of July 2020 China had an estimated population of over 1.39 billion<sup>1</sup>. Chinese government statistics record approximately 200 million religious' believers<sup>2</sup>. However, Freedom House notes, in a special report on religion in China, that 'China is home to over 350 million religious believers and hundreds of millions more who follow folk traditions. Determining the precise size of religious communities in China is notoriously difficult, even for officially recognized groups. Government statistics exclude those who worship at unregistered temples or churches and believers under the age of 18, and many Chinese engage in a mixture of religious and folk practices.'<sup>3</sup>
- 3.1.2 According to a 2017 report by Freedom House: 'Several points of information suggest that a reasonable estimate of the minimum number of people in China practicing Falun Gong today would fall in the range of 7 to 10 million, while overseas Falun Gong sources have estimated that the total is 20 to 40 million.'<sup>4</sup> Falun Gong reportedly remains active throughout China, but most prominently in Shandong and north-eastern China, although Falun Gong's illegal status makes this difficult to verify<sup>5</sup>.

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Section 4 updated: 12 October 2020

## 4. Legal context

### 4.1 Constitution

- 4.1.1 Article 35 of the Constitution stated: 'Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.'<sup>6</sup>
- 4.1.2 Article 36 stated:
- 'Citizens of the People's Republic of China enjoy freedom of religious belief.
- 'No State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.
- 'The State protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the State.

<sup>1</sup> CIA, ['World fact book, China' \(People and society\)](#), updated 4 August 2020

<sup>2</sup> CFR, ['Religion in China'](#), last updated 11 October 2018

<sup>3</sup> Freedom House, ['Special report- The Battle for China's Spirit'](#), (page 9), February 2017

<sup>4</sup> Freedom House, ['Special report- The Battle for China's Spirit'](#), (pg113), February 2017

<sup>5</sup> DFAT, ['Country Report on the People's Republic of China'](#), (p33), 3 October 2019

<sup>6</sup> NPC, ['Constitution, Text after amendment on March 14'](#), 2004

‘Religious bodies and religious affairs are not subject to any foreign domination.’<sup>7</sup>

- 4.1.3 However, the United States Department of State report on International Religious Freedom (USSD IRF report), covering events in 2019, noted that while the constitution states that citizens have ‘freedom of religious belief’ it has limited its protections to ‘normal religious activities’ but it does not define what is meant by ‘normal’<sup>8</sup>.
- 4.1.4 The government recognises 5 official religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism<sup>9 10</sup>. The USSD IRF report noted that ‘Only religious groups belonging to the five state-sanctioned “patriotic religious associations” representing these religions are permitted to register with the government and officially permitted to hold worship services.’<sup>11</sup>
- 4.1.5 Falun Gong was designated as a xie jiao (cult) in 1998.<sup>12</sup>

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## 4.2 Regulations on Religious Affairs

- 4.2.1 Revised religious affairs regulations came into effect in 2018. All religious establishments in China are bound by these regulations, which define the administrative framework around religious activities. China Law Translate provided an unofficial translation of the [Religious Affairs Regulations 2017](#)<sup>13</sup>.
- 4.2.2 In January 2017 Reuters reported that:

‘China will crack down further on what it calls “cults” with a new judicial interpretation released on Wednesday [25 January 2017] mandating harsh punishments for groups proselytising to government officials or children or linking up with foreign groups. [...] Authorities have gone after what they view as cults, which have multiplied in recent years, and demonstrations have been put down with force and some sect leaders executed.

‘The judicial interpretation, release by the Supreme People’s Court and state prosecutor, list seven areas for which offenders will face tough penalties, including carrying out cult activities in public or trying to recruit children or state bureaucrats.

‘In cases considered less serious, where adherents repent and leave the cult, or where they have been coerced into joining a cult, there is an option for punishment not to be imposed, the interpretation states.’<sup>14</sup>
- 4.2.3 Bitter Winter, a magazine on religious liberty and human rights in China, noted in its article ‘The List of the Xie Jiao, a Main Tool of Religious Persecution’ that: ‘On September 18 2017, the revamped China Anti-Cult (xie jiao) website reiterated the list of banned groups which had been listed

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<sup>7</sup> NPC, ‘[Constitution, Text after amendment on March 14](#)’, 2004

<sup>8</sup> USSD ‘[2019 Report on International Religious Freedom: China](#)’, 10 June 2020

<sup>9</sup> USSD ‘[2019 Report on International Religious Freedom: China](#)’, 10 June 2020

<sup>10</sup> DFAT, ‘[Country Report on the People’s Republic of China](#)’, (p32), 3 October 2019

<sup>11</sup> USSD ‘[2019 Report on International Religious Freedom: China](#)’, 10 June 2020

<sup>12</sup> Bitter Winter, ‘[The List of the Xie Jiao, a Main Tool of Religious Persecution](#)’, 11 November 2018

<sup>13</sup> China Law Translate, ‘[Religious Affairs Regulations 2017](#)’, 7 September 2017

<sup>14</sup> Reuters, ‘[China to crack down further on ‘cult’ activities](#)’, 25 January 2017

publicly in 2014. Of the total 20 groups, eleven were listed as being “dangerous”.<sup>15</sup> The report noted that Falun Gong was number 1 on the “dangerous” list<sup>16</sup>.

- 4.2.4 The Australian Department of Foreign Affairs and Trade, ‘DFAT Country Information Report on the People’s Republic of China’, which draws on DFAT’s on-the-ground knowledge and discussions with a range of sources in China, published on 3 October 2019, noted:

‘...The RRAs: restrict religious education in schools; restrict the times and locations of religious celebrations; impose fines for organising illegal religious events or fundraising; detail procedures for approval and monitoring of religious training institutions and monitoring online religious activity; detail a requirement to report all donations over RMB 100,000 (AUD 20,750) [approx. £11,500]; prohibit registered religious organisations from distributing unapproved literature, associating with unregistered religious groups, and accepting foreign donations (previously permitted); and prohibit foreigners from proselytising. Parallel provisions in the Foreign NGO Law also prohibit foreigners from donating funds to Chinese religious organisations or raising funds on their behalf.’<sup>17</sup>

- 4.2.5 The report added:

‘The Criminal Law provides for prison sentences of up to seven years for individuals who use “superstitious sects, secret societies or evil religious organisations” to undermine the state’s laws or administrative regulations. A 1999 judicial explanation refers to: “those illegal groups that have been found using religions, qigong [a traditional Chinese exercise discipline], or other things as a camouflage, deifying their leading members, recruiting and controlling their members, and deceiving people by moulding and spreading superstitious ideas, and endangering society.” While the criminal provisions principally target Falun Gong, others who engage in practices deemed superstitious or cult-like can face harassment, detention and imprisonment.’<sup>18</sup>

- 4.2.6 The USSD IRF report noted that:

‘The law bans certain religious or spiritual groups. Criminal law defines banned groups as “cult organizations” and provides for criminal prosecution of individuals belonging to such groups and punishment of up to life in prison. There are no published criteria for determining, or procedures for challenging, such a designation. A national security law also explicitly bans “cult organizations”. The CCP [Chinese Communist Party] maintains an extra legal, party-run security apparatus to eliminate the Falun Gong movement and other such organizations. The government continues to ban Falun Gong...’<sup>19</sup>

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<sup>15</sup> Bitter Winter, [‘The List of the Xie Jiao, a Main Tool of Religious Persecution’](#), 11 November 2018

<sup>16</sup> Bitter Winter, [‘The List of the Xie Jiao, a Main Tool of Religious Persecution’](#), 11 November 2018

<sup>17</sup> DFAT, [‘Country Report on the People’s Republic of China’](#) (p25), 3 October 2019

<sup>18</sup> DFAT, [‘Country Report on the People’s Republic of China’](#) (p32), 3 October 2019

<sup>19</sup> USSD [‘2019 Report on International Religious Freedom: China’](#), 10 June 2020

## 5. Falun Gong

### 5.1 What is Falun Gong?

- 5.1.1 The 2019 DFAT report observed: ‘Falun Gong (also known as Falun Dafa) is a spiritual movement that blends aspects of Daoism, Buddhism, and Qigong (traditional breathing and meditation)... Falun Gong practitioners claim the movement has ancient origins, but it first appeared in its modern form in 1992, when founder Li Hongzhi began teaching the exercises in Changchun, Jilin province. Unlike other religions, Falun Gong focuses on private exercises and meditation.’<sup>20</sup>
- 5.1.2 The Falun Dafa Information Center, in an article, ‘The Rise and Resilience of Falun Gong’, published 24 April 2019, noted that, ‘Many people were initially drawn to Falun Gong because of its healing effects. However, a significant reason for Falun Gong’s popular appeal was also due to its simple and straightforward requirements for practitioners: Live your life according to truthfulness, compassion, and forbearance, let go of negative attachments, and be responsible to yourself and others.’<sup>21</sup>

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### 5.2 History

- 5.2.1 According to the Encyclopaedia Britannica’s undated article on Falun Gong:
- ‘Falun Gong is an offshoot of qigong (Chinese: “discipline of the vital breath”), an amalgam of traditional medical and self-cultivation practices developed in the early 1950s by members of the Chinese medical establishment as part of an effort to promote traditional Chinese medicine (TCM) in modern socialist China...
- ‘Qigong was available in some clinics and sanatoriums in the 1950s and early ‘60s but was banned during the Cultural Revolution (1966–76) for its “feudal” history. It received a new lease on life in the late 1970s, when a purported laboratory discovery of the material existence of qigong energy dovetailed with a fundamental change in state policy away from revolution and toward science and economic development. Overnight, qigong became “scientific,” a change in status that led to state approval for qigong activities.
- ‘Out of this conjuncture developed the qigong boom, a roughly 20-year period, spanning the 1980s and ‘90s, when hundreds of millions of Chinese were drawn to a wide variety of qigong schools and practices in the socially freer post-Mao Zedong era.
- ‘...Although the qigong movement had high-level supporters, it also had detractors, who condemned qigong as superstition and chicanery. By the early 1990s such critics had gained the upper hand in swaying China’s political authorities. It was in an effort to restore the qigong movement’s flagging fortunes that Li Hongzhi in 1992 founded Falun Gong (“Discipline of the Dharma Wheel”), whose name referred to the revolving wheel that Li promised to install in his followers, purifying their bodies “in another

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<sup>20</sup> DFAT, ‘[Country Report on the People’s Republic of China](#)’, (p33), 3 October 2019

<sup>21</sup> Falun Dafa Information Center, ‘[The Rise and Resilience of Falun Gong](#)’, 24 April 2019



dimension” and freeing them from bodily concerns. Li’s original message sought to dispel qigong’s associations with fraud and faith healing by emphasizing “higher-level cultivation.”

‘... Whether it was the message or the man, Falun Gong grew rapidly in popularity, and Li followed the familiar path of other charismatic qigong masters, giving dozens of well-attended high-profile talks and building a large nationwide organization between 1992 and 1995. Estimates of the number of Falun Gong’s adherents during this period vary greatly, ranging from about 2 million to 60 million.

‘However, the advent of Falun Gong did not end criticism of the qigong movement, whose revival turned out to be short-lived. In early 1995 Li decided to resettle in the United States in the apparent hope of avoiding political problems caused by the continuing denunciation of qigong in the Chinese media. ...

‘... despite Li’s absence and the generally falling fortunes of qigong and Falun Gong, most Falun Gong followers in China continued to believe that their practice was completely legal, as high-level debates on the subject within the government had been inconclusive. Accordingly, when faced with media criticism, Falun Gong followers reacted by peacefully demonstrating at the offices of newspapers and television stations. Finally, in a massive and unannounced gathering on April 25, 1999, some 20,000 Falun Gong adherents protested outside CCP headquarters in Beijing.

‘That demonstration, which took party leaders completely by surprise, marked the end of the qigong boom and largely sealed the fate of Falun Gong as a Chinese movement. The party soon declared Falun Gong to be the greatest danger to state security since the 1989 student demonstrations in Tiananmen Square and banned the movement as a “heretical cult.” However, because of the surprising strength of Falun Gong in the Chinese diaspora—particularly in the United States and Canada—China was not immediately successful in suppressing the movement. Falun Gong followers championed their cause in the Western media as an issue of freedom of religion, until a number of self-immolations by alleged Falun Gong adherents in Tiananmen Square in January 2001 convinced much of the Western media that the group was indeed a “cult” (Falun Gong followers insisted that the immolations were staged by the Chinese government). Falun Gong subsequently established its own media outlets—including the Epoch Times newspaper, the New Tang Dynasty television network, and the Sound of Hope radio network—and continued to resist what appeared to be an ongoing campaign of repression in China.’<sup>22</sup>

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### 5.3 Practice and beliefs

#### 5.3.1 According to the Falun Dafa Information Center:

‘First and foremost, Falun Gong can be thought of as a practice - as something that is done, that is put into action. The practice is designed to

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<sup>22</sup> Encyclopaedia Britannica, ‘[Falun Gong](#)’, undated



effect positive change, or reinforce what is already good, in body, mind, and self.

‘The body is attended to in Falun Gong most directly by the regular performance of four qigong exercises and a meditation. Qigong exercises, popularized in post-Cultural Revolution 1980s China, resemble Tai-chi somewhat in form and work, similarly, on the body primarily on an energetic level. Some refer to qigong (pron. “chee-gung”) as “Chinese yoga.”

‘Falun Gong recalibrates the body on an energetic level while dredging out blockages and impurities that might compromise health and well-being. On deeper levels, the practice, in its own unique ways, deals with the more fundamental origins of illness and physical suffering (i.e., a nefarious material called karma). The meditation facilitates these changes and processes while reinforcing the subtler workings of the practice specific to the body and mind.

‘Several health studies, including clinically controlled, peer reviewed research at leading medical facilities, has begun to explore and confirm the positive, and sometimes dramatic, health benefits that so many persons attribute to the practice. Many individuals have been moved to write about their experiences, which can be read online.

‘Typical benefits that people describe include increased amounts of energy and reduced fatigue; better health; greater resistance to disease; better sleep; emotional balance; a sense of calm; a positive outlook; improved relationships; greater self-awareness; a deeper sense of meaning; and spiritual growth.

‘The exercises and meditation can be done by persons of any age, fitness level, or background, and are highly flexible in terms of demands; they can be done for just a few minutes at a time, any time or anywhere, or as long as a few hours if one so chooses. Often people like to do these together with others, as a group, in a quiet setting such as a park.

‘They are always taught for free by volunteers or can be learned through following an instructional video. These features were likely part of Falun Gong's phenomenal growth in China.

‘While the physical dimension of Falun Gong is important, it is the emphasis on the mind and one's moral self that set this practice apart.

‘Falun Gong is Buddhist in nature, and contains in its teachings a higher aspiration, namely, spiritual perfection—or “enlightenment” as it's called in Asia. In Asia spiritual disciplines of this sort are often referred to as ways of “inner cultivation,” or “self-cultivation,” and form an important part of traditional Chinese culture. Various Daoist, Buddhist, and Confucian practices fit this rubric.

‘At the core of Falun Gong are the values of truth, compassion, and forbearance (or in Chinese, Zhen, Shan, Ren). The practice teaches that these are the most fundamental qualities of the universe itself, and it is these, as elaborated in the book Zhuan Falun, that serve as a guide for daily life and practice. Many study the book regularly in order to better understand and embody its teachings.

‘Through consistent and dedicated practice, the student of Falun Gong aspires to achieve a state of selflessness, greater insight and awareness, inner purity, and balance - the inner workings of what might be called true health.’<sup>23</sup>

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## 5.4 Falun Gong in Hong Kong

### 5.4.1 Reuters reported on 27 July 2020 that

‘On Sunday July 5, five days after China enacted a new national security law in Hong Kong, Yang Xiaolan and three dozen Falun Gong members stood upright in a public park, their arms outstretched above their closed eyes as their meditation soundtrack blended with birdsong.

‘The spiritual group was banned in mainland China in 1999 but its members have been allowed to practice in Hong Kong freely, even though the group urges people to renounce the ruling Chinese Communist Party. Yang said she no longer feels safe in the city after the security law made the broadly defined crimes of secession, subversion, terrorism and collusion with foreign forces punishable by up to life in prison.

‘...The Hong Kong government declined to comment on how the new law would impact Falun Gong, but said the law preserves “the basic rights and freedom lawfully enjoyed by law-abiding citizens.” The law makes no mention of religious or spiritual groups. China’s Ministry of Foreign Affairs said the new Hong Kong law will sanction any behavior that endangers national security. On Falun Gong generally, the ministry said in a statement: “Falun Gong is a cult organization banned by the Chinese government in accordance with the law, which has also been spurned by the Chinese people for a long time. Banning this cult organization is an act of justice by the Chinese government, made in response to the people’s demand and an effort to maintain social stability and to protect human rights. The alleged suppression is nonsense.”

‘...Ingrid Wu, spokeswoman for the Hong Kong Association of Falun Dafa, an alternative name for the group, said two members have already left Hong Kong because of fears for their safety.

‘... Even though the new security law makes no specific mention of religious or spiritual groups, Maya Wang, senior China researcher at Human Rights Watch, described the law as wide and arbitrary. “Anyone who is critical of the Chinese government can be construed as having violated the law,” she said.’<sup>24</sup>

### 5.4.2 The U.S. Department of State 2019 Report on International Religious Freedom on Hong Kong noted that:

‘In September [2019] two assailants attacked a Falun Gong practitioner after she met with police to discuss a planned Falun Gong demonstration.

‘In November [2019] a printing warehouse for the Epoch Times Hong Kong Edition, a Falun Gong-associated media outlet, was subject to an arson

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<sup>23</sup> Falun Dafa Information Center, ‘[Falun Gong: The Practice](#)’, undated

<sup>24</sup> Reuters, ‘[Banned in China, some Falun Gong fear new Hong Kong national...](#)’, 27 July 2020

attack by four masked assailants armed with batons. The fire was extinguished with no casualties reported, but a printing press was damaged.’<sup>25</sup>

5.4.3 CNN reported on 19 July 2020 that:

‘While Falun Gong practitioners are not the primary target of the new security law -- which is at times clearly designed to criminalize acts seen during last year's anti-government protests -- they and other groups like them could still fall foul of its broad remit. In particular, the new offense of subversion makes it illegal in many circumstances to advocate "overthrowing the body of central power of the People's Republic of China." Given that the PRC government is indelibly intertwined with the Communist Party, Falun Gong efforts to get people to quit the Communist Party in protest, or otherwise harm its activities, could be deemed criminal.

‘The new crime of "collusion with a foreign country or with external elements to endanger national security" could also be used to target Falun Gong. While not a top-down religion like the Catholic Church or other similar faiths with large numbers of followers in Hong Kong, Falun Gong is headquartered in the United States, where Li Hongzhi has lived since 1996, and this is where the group's main media and lobbying arms are also located.

‘Under Article 29 of the new law, anyone who "conspires with a foreign country or an institution, organization or individual outside (China), or directly or indirectly receives instructions, control, funding or other kinds of support" from such organizations, could be prosecuted if they are found to be "provoking by unlawful means hatred among Hong Kong residents towards the Central People's Government or the Government of the Region, which is likely to cause serious consequences.”’<sup>26</sup>

5.4.4 The same report went on to note that:

‘Outside of the protest movement, Falun Gong is among the most vocal and visible opposition to the Communist Party, in both Hong Kong and elsewhere around the world. While the group is somewhat detached from the mainstream opposition in Hong Kong due to its conservative religious beliefs, this has not stopped its presence in the city being symbolic, and many followers take a sort of pride that even Falun Gong can operate in Hong Kong, given the huge antipathy Beijing has towards the group. "The ability of people in Hong Kong to practice Falun Gong legally and openly is important both symbolically and practically," said Erping Zhang, a US-based spokesman for the group. Zhang said that as well as the new crimes created under the law, he was concerned about the broad rights it gives Chinese security services to operate in Hong Kong, even extending Chinese jurisdiction over certain cases and allowing people to be taken for trial on the mainland.

‘... But not all religious groups are alarmed. In a letter to the religious newspaper Church Times this month, Paul Kwong, Archbishop of Hong Kong, praised the new security law and pushed back against criticism from

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<sup>25</sup> USDOS, ‘[2019 Report on International Religious Freedom: China - Hong Kong](#)’, 10 June 2020

<sup>26</sup> CNN, ‘[Can a religious group that wants to bring down China's Communist Party...](#)’, 19 July 2020

figures including Cardinal Maung Bo, president of the Asian Bishops' Conferences.<sup>27</sup>

- 5.4.5 See also the Country policy and information note on [China: Hong Kong National Security Law](#)

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## 5.5 Proselytising

- 5.5.1 The 2019 DFAT report noted: 'Falun Gong members do not openly proselytise in mainland China, although the movement is active in Hong Kong (where it remains legal) and abroad. Falun Gong practitioners identify potential new members and slowly introduce them to the practices and beliefs of Falun Gong. Falun Gong practitioners are generally able to practise privately in their homes.'<sup>28</sup>

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Section 6 updated: 12 October 2020

## 6. State treatment of Falun Gong practitioners

### 6.1 State attitude and treatment

- 6.1.1 The Congressional Executive Commission on China, (a US government agency which monitors human rights and the development of the rule of law in China<sup>29</sup>) (CECC) in its Annual Report on China, 2019, stated:

'Chinese authorities commonly prosecute Falun Gong practitioners under Article 300 of the PRC [People's Republic of China] Criminal Law [Article 300 criminalizes "organizing and using a cult to undermine implementation of the law]; the Falun Gong-affiliated website Clear Wisdom reported that at least 931 practitioners were sentenced under Article 300 in 2018, with the greatest number sentenced in the northern provinces of Liaoning, Shandong, Hebei, and Heilongjiang. In November 2018, two lawyers had their licenses to practice temporarily suspended by the Ministry of Justice in Changsha municipality, Hunan province, for arguments made in [defence] of Falun Gong practitioners against Article 300 charges. International human rights non-governmental organization Dui Hua Foundation characterized the penalties as part of an incipient pattern of official punishment of attorneys representing politically sensitive clients that will likely discourage other criminal defense lawyers from pursuing "perfectly legal and effective defense strategies"'<sup>30</sup>

- 6.1.2 The CECC Annual Report further added:

'Chinese authorities have also used "transformation through education" efforts to "transform" Falun Gong practitioners, pressuring them to renounce their spiritual beliefs. Freedom House analyst Sarah Cook stated that Chinese Communist Party [CCP] and government officials who had influence on policies in the Xinjiang Uyghur Autonomous Region [XUAR] "appear[ed]

<sup>27</sup> CNN, ['Can a religious group that wants to bring down China's Communist Party...'](#), 19 July 2020

<sup>28</sup> DFAT, ['Country Report on the People's Republic of China'](#), (p33), 3 October 2019

<sup>29</sup> CECC, [About](#), nd

<sup>30</sup> CECC, ['Annual Report on China, 2019'](#), (p269-270), 18 November 2019

to be following the anti-Falun Gong playbook,” and that some of these officials had previously overseen the “transformation” of Falun Gong practitioners.’<sup>31</sup>

6.1.3 The 2019 DFAT report noted that:

‘The CCP maintains a Leading Small Group for Preventing and Dealing with the Problem of Heretical Cults to eliminate the Falun Gong movement and to address “evil cults”. An extrajudicial security apparatus known as the 6-10 Office (named after 10 June 1999 crackdown against Falun Gong) has the task of eradicating Falun Gong activities. The 6-10 office has reportedly created specialised facilities known as “transformation through re-education centres” to force practitioners to relinquish their faith.

‘...Lawyers representing Falun Gong practitioners claim a typical Falun Gong case involves: a period of initial investigation; the suspect having their personal belongings confiscated and being placed in custody for three to six months; trial by court; and then sentencing. Arrested Falun Gong practitioners (leaders and followers alike) commonly receive sentences of three to seven years’ imprisonment. Correctional officers will pressure Falun Gong practitioners to denounce their faith, and detainees may receive better treatment if they sign confessional statements. Falun Gong practitioners and their lawyers claim that judges and lawyers are actively discouraged from taking on Falun Gong cases, and that Falun Gong practitioners have suffered psychiatric experimentation and organ harvesting. DFAT is not able to verify these claims.

‘On release from detention, Falun Gong members can be placed under surveillance and can experience difficulties finding employment beyond low-skilled jobs. Discrimination against Falun Gong practitioners can extend to family members and can result in the loss of employment, pensions or social relationships...

‘Once known to authorities, colleagues or neighbours, however, Falun Gong members face widespread official and societal discrimination.

‘Unlike other officially designated cults, the government regards Falun Gong practitioners as political opponents rather than victims, and treats them accordingly. Lawyers who defend Falun Gong practitioners are frequently denied access to their clients in detention or court, and are subjected to adverse treatment and physical and electronic surveillance by authorities.

‘... DFAT assesses that Falun Gong practitioners, and their lawyers, are at high risk of official discrimination.’<sup>32</sup>

6.1.4 Freedom House noted that China had continued their campaign to eradicate the Falun Gong spiritual group during 2019<sup>33</sup>.

6.1.5 For further information on the treatment of human rights defenders and human rights lawyers see the [Country Policy and Information Note on China: Opposition to the state](#).

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<sup>31</sup> CECC, [‘Annual Report on China, 2019’](#), (p269-270), 18 November 2019

<sup>32</sup> DFAT, [‘Country Report on the People’s Republic of China’](#), (p33 & 34), 3 October 2019

<sup>33</sup> FH, [‘Freedom in the World 2020 – China’](#), (Civil Liberties), 4 March 2020



## 6.2 Arrests

- 6.2.1 The 2020 annual report by the US Commission on International Religious Freedom noted that: ‘According to reports [which may include reports from the below sources], thousands of Falun Gong practitioners were arrested during 2019 for practicing the movement’s meditation exercises or distributing literature about their beliefs. Human rights advocates and scientists presented evidence that the practice of harvesting organs from prisoners—many of whom are believed to be Falun Gong practitioners—continued on a significant scale.’<sup>34</sup>
- 6.2.2 Minghui, an all-volunteer organization that operates Minghui.org, a website dedicated to reporting on the Falun Gong community worldwide, reported on 13 January 2020 that in 2019: ‘6,109 Falun Gong practitioners arrested and 3,582 harassed for their faith. At the time of writing, it is known that 3,400 practitioners remain in custody.’<sup>35</sup>
- 6.2.3 The report went on to note that:
- ‘...The year 2019 had several anniversaries deemed sensitive by the regime: April 25 marked the 20th anniversary of the peaceful appeal of 10,000 practitioners outside of the National Appeals Office in Beijing seeking the release of several dozen practitioners unjustly arrested days before; July 20 marked the 20th anniversary of the onset of the persecution of Falun Gong; October 1 marked the 70th anniversary of the Chinese Communist regime’s founding. The arrests and harassment of Falun Gong practitioners spiked around these three anniversaries, as the authorities attempted to prevent the practitioners from engaging in public demonstrations or launching other grassroots efforts to raise awareness about the persecution.
- ‘...Many of these practitioners were arrested in groups, usually of two or three dozen. In most cases, the police monitored the practitioners’ cellphones and their daily activities for months before executing the arrests.
- ‘...The arrests and harassment of practitioners took place in 29 provinces and centrally-controlled municipalities. Shandong, Hebei, and Sichuan were the top three provinces with over 1,000 practitioners arrested and harassed. Eighteen provinces, such as Jilin and Liaoning, reported triple-digit cases of arrest and harassment.
- ‘...The targeted practitioners come from all walks of life, including teachers, engineers, lawyers, reporters and dancers.
- ‘...Several practitioners were targeted for reading Falun Gong books together, some were arrested for telling others how Falun Gong renewed their lives and how the Chinese regime has been persecuting the practice, and others were taken into custody for urging local officials to quit the Chinese Communist Party.’<sup>36</sup>

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<sup>34</sup> US Commission on International Religious Freedom, ‘[2020 Annual Report](#)’, (pg 14) April 2020

<sup>35</sup> Minghui, ‘[Minghui Report: Nearly 10,000 Falun Gong Practitioners Arrested...](#)’, 13 January 2020

<sup>36</sup> Minghui, ‘[Minghui Report: Nearly 10,000 Falun Gong Practitioners Arrested...](#)’, 13 January 2020

### 6.3 Torture and detention

- 6.3.1 The USSD IRF report noted that: 'Bitter Winter an online publication that tracks religious liberty and human rights abuses in the country, reported instances of individuals being held for extended periods of time in psychiatric hospitals for practicing their religious beliefs, beaten, and forced to take medication.'<sup>37</sup>
- 6.3.2 On 24 May 2019 Fox11 Los Angeles reported on Chinese nationals, Yifei Wang and her husband Gordon, living in the USA who had shown the news network undercover footage from a labour camp in China. Yifei and her sister Kefei were in Tianenmen Square in Dongcheng, China in 2001 showing their support for Falun Gong. Both were captured and taken to labour camps but Yifei was able to escape with the help of a guard. She was later told that her sister, at the age of 30, had died of a heart attack. The family saw her body in hospital around the time of her death and were certain that she had been tortured. The undercover footage, shown to the network was recorded by various people and is alleged to show the abusive treatment of people in the camps, with some emaciated, shackled to beds and suffering from lesions on their faces and bodies. Yifei's husband Gordon travelled to the labour Camp in 2015 in order to see Kefei's body but was told that they would only be allowed to see the body if they agreed that she had died of natural causes<sup>38</sup>.
- 6.3.3 The China Tribunal, initiated by, but independent of, the International Coalition to End Transplant Abuse in China (ETAC) and consisting of international barrister/lawyers, a professor of surgery, historians and others, formed to investigate forced organ harvesting from prisoners of conscience in China, noted in their 'Final Judgement and Summary- 2019' published on 17 June 2019 that:
- 'Acts of torture have been inflicted by the PRC authorities on persons detained for their practice of, support for and defence of Falun Gong and for no other reason. Such acts of torture have taken place at many different sites in The PRC over a long period of time. Acts of torture, generally, reveal an overall consistent attitude and approach of the Chinese state towards practitioners of Falun Gong which is systematic in nature and designed to punish, ostracise, humiliate, dehumanise, demean and demonise practitioners of Falun Gong into renouncing and abandoning their practice of it. ...The PRC and its leaders actively incited the persecution, the imprisonment, murder, torture and the humiliation of Falun Gong practitioners with the sole purpose of eliminating the practice of, and belief in, the value of Falun Gong.'<sup>39</sup>
- 6.3.4 A Freedom House news article dated 22 July 2019, stated:
- 'When a Falun Gong practitioner is detained, adherents inside and outside China apply pressure on local officials to secure the detainee's release. Teams of volunteers in numerous countries outside China make phone calls to local police, public security agents, prosecutors, and judges, using

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<sup>37</sup> USSD '[2019 Report on International Religious Freedom: China](#)', 10 June 2020

<sup>38</sup> Fox11 Los Angeles, '[Undercover video reveals brutal treatment of Falun Gong...](#)', 24 May 2019

<sup>39</sup> China Tribunal, '[Final Judgment and Summary- 2019](#)', (para 167, pg 46), 17 June 2019



numbers obtained from inside China (sometimes from sympathetic police). According to the coordinator of one such team, over 3,000 calls might be made on behalf of 350 detained individuals in a given week. Within China, adherents write letters to local authorities, hire human rights lawyers to represent the detained believer, and increasingly collect signatures among nonpractitioners on petitions calling for the individual's release.

'Gradually, these efforts appear to be bearing fruit. There are well-documented cases of detainees who were released after focused rescue campaigns. More broadly, one interviewee who has made thousands of calls to officials reflected that "in places all over China, [police] are clearer about the true situation; there are many cases of police secretly helping Falun Gong." A lawyer who has represented Falun Gong clients made a similar observation that "because Falun Gong practitioners have talked to local officials, some of them have changed their attitude and realize that Falun Gong members are not that threatening, so they won't arrest them." These dynamics have been amplified by the 2015–16 purge and imprisonment on corruption charges of former security czar Zhou Yongkang and other officials associated with the anti-Falun Gong campaign, which has reduced some of the top-down pressure on local officials to target Falun Gong.

'... On a daily basis, large numbers of judges, prosecutors, and police play an active role in the arrest, imprisonment, and torture of Chinese citizens who persist in their devotion to Falun Gong. Nevertheless, in July 1999, few people inside or outside China would have suspected that 20 years later, millions might still be practicing Falun Gong, neighbors would be signing pro-Falun Gong petitions, and some police would be refusing to arrest adherents.'<sup>40</sup>

- 6.3.5 The 2019 DFAT report noted: 'Since the abolition of re-education through labour centres in late 2013, Falun Gong practitioners have reportedly been subjected to residential detention, criminal and other forms of administrative punishment, or have been released after receiving propaganda training. Freedom House states it independently verified 933 cases between 1 January 2013 and 1 June 2016 of Falun Gong adherents receiving prison sentences of up to 12 years for their beliefs.'<sup>41</sup>
- 6.3.6 Minghui reported on 8 January 2020 that 'ninety-six Falun Gong practitioners in China were confirmed to have been persecuted to death for their faith in 2019, bringing the total confirmed death toll to 4,363 over the past 20 years of brutal suppression.'<sup>42</sup> Although the report goes on to note that only 19 of those died while still being held in prisons detention centers and police stations, 3 of the 96 died after release from prison and 5 died after arrests and or/police harassment. It is unclear how the other 69 died<sup>43</sup>.
- 6.3.7 The same source in an of 9 January 2020 noted that:  
'At least 774 Falun Gong practitioners were confirmed to have been sentenced for their faith in 2019...Some of the practitioners were sentenced

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<sup>40</sup> FH, '[Falun Gong's Secrets for Surviving in China](#)', 22 July 2019

<sup>41</sup> DFAT, '[Country Report on the People's Republic of China](#)', (p33), 3 October 2019

<sup>42</sup> Minghui, '[Minghui Report: 96 Falun Gong Practitioners Confirmed to Have Died...](#)', 8 January 2020

<sup>43</sup> Minghui, '[Minghui Report: 96 Falun Gong Practitioners Confirmed to Have Died...](#)', 8 January 2020

for raising awareness about the persecution of Falun Gong. ...Some practitioners were given their verdicts just days following their arrests. And some were tortured in custody and imprisoned despite serious medical conditions... The practitioners sentenced in 2019 come from 28 provinces and municipalities in China, with the number of cases in two provinces registering in the triple digits (Shandong, 119 and Heilongjiang, 114) and in the double digits (from 11 to 85) in 17 regions... A total of 271 practitioners were fined 3,490,400, averaging 12,880 yuan [approx. £1500] each.<sup>144</sup>

6.3.8 In a September 2020 article Minghui further noted that: ‘Eleven Falun Gong practitioners died between July and August 2020 as a result of the persecution of their faith... Two female practitioners were beaten to death. One male practitioner died in custody, after he was denied medical parole while serving a four-year term. Others passed away as a result of long-term incarceration, torture, displacement, and harassment.’<sup>145</sup>

6.3.9 The CECC Annual Report on China, 2019, stated:

‘As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment. Due to government suppression, it is difficult to determine the number of Falun Gong practitioners in China...

‘...Clear Wisdom, an organization that reports on the Falun Gong community, documented coercive and violent practices against practitioners during custody, including physical violence, forced drug administration, sleep deprivation, and other forms of torture. In February 2019, Clear Wisdom reported 69 confirmed deaths of Falun Gong practitioners in 2018 due to abuse by officials.’<sup>146</sup>

6.3.10 The report further noted:

‘... Falun Gong practitioner Sun Qian informed the Congressional Executive Commission that she was “tortured while in custody, subjected to arbitrary and prolonged pretrial detention, and prevented from obtaining proper legal counsel.”

‘In other cases, officials denied detainees access to counsel, such as human rights lawyer Wang Quanzhang who was prevented from seeing lawyers appointed by his wife.

‘... [I]n January 2019, Qingshan District People’s Court in Baotou municipality, Inner Mongolia Autonomous Region, sentenced Falun Gong practitioners Wang Ying and Wang Hongling to two years in prison and one year and six months in prison, respectively. Authorities detained the two in connection to Falun Gong materials they distributed in Batou.’<sup>147</sup>

6.3.11 Freedom House, in their report, Freedom in the World 2020 – China, covering events in 2019, stated: ‘Hundreds of Falun Gong practitioners have received long prison terms in recent years, and many others are arbitrarily

<sup>144</sup> Minghui, [‘774 Falun Gong Practitioners in China Sentenced for Their Faith in 2019’](#), 9 January 2020

<sup>145</sup> Minghui, [‘Eleven Falun Gong Practitioners Die in the Persecution of Their...’](#), 29 September 2020

<sup>146</sup> CECC, [‘Annual Report on China, 2019’](#), (p101 & 109), 8 January 2020

<sup>147</sup> CECC, [‘Annual Report on China, 2019’](#), (p81&109), 8 January 2020

detained in various “legal education” facilities. Detainees typically face torture aimed at forcing them to abandon their beliefs, sometimes resulting in deaths in custody.’<sup>48</sup>

- 6.3.12 The 2019 USSD IRF report noted that: ‘The Political Prisoner Database (PPDB) [maintained by human rights NGO Dui Hua Foundation] listed 2,979 Falun Gong practitioners imprisoned at year’s end, compared with 3,486 at the end of 2018. Dui Hua defined imprisoned religious practitioners as “people persecuted for holding religious beliefs that are not officially sanctioned.”<sup>49</sup>

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## 6.4 Organ harvesting

- 6.4.1 The China Tribunal [see para 6.3.3 above] in its interim judgement, issued in December 2018 stated that:

“The Tribunal’s members are certain - unanimously, and sure beyond reasonable doubt - that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims.”

‘...These individual conclusions, when combined, led to the unavoidable final conclusion that; forced organ harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one - and probably the main - source of organ supply. ... The Tribunal has had no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today.’<sup>50</sup>

- 6.4.2 The Tribunal then went on to consider whether this constituted the crime of Genocide. They concluded that Falun Gong constituted a ‘group’ for the purposes of the crime of Genocide and that the elements of the crime of Genocide were established. However, they could not be certain that the requisite intent had been proven and therefore could not be certain that Genocide itself was proved<sup>51</sup>. However, the Tribunal noted that:

‘...forced organ harvesting is of unmatched wickedness even compared – on a death for death basis – with the killings by mass crimes committed in the last century. There is justifiable belief in the minds of some or many – rising to probability or high probability – that Genocide has been committed.’<sup>52</sup>

- 6.4.3 In December 2019, Haaretz.com, the online edition of Haaretz Newspaper in Israel, reported:

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<sup>48</sup> FH, ‘[Freedom in the World 2020 – China](#)’, (Civil Liberties), 4 March 2020

<sup>49</sup> USSD ‘[2019 Report on International Religious Freedom: China](#)’, 10 June 2020

<sup>50</sup> China Tribunal, ‘[Short Form Of The China Tribunal’s Judgment](#)’, 17 June 2019

<sup>51</sup> China Tribunal, ‘[Short Form Of The China Tribunal’s Judgment](#)’, 17 June 2019

<sup>52</sup> China Tribunal, ‘[Short Form Of The China Tribunal’s Judgment](#)’, 17 June 2019

'In 2015, after years of denial, China announced that it would stop harvesting organs of condemned prisoners. New findings, however, show that nothing has changed.

'... [A]s early as 1984 a secret law had been promulgated there [Sic] allowing the organs of persons condemned to death to be harvested for transplants. The law, whose existence gradually leaked out, is contrary to all international law and ethical procedures, which absolutely prohibit the use of organs of individuals who have been executed.'<sup>53</sup>

6.4.4 Haaretz.com further noted:

'For many years, the Chinese authorities denied outright both the existence of the secret law and the source of the organs they were selling, before finally admitting to the facts in 2005. A year later, two Canadian researchers published a comprehensive report, titled "Bloody Harvest," which revealed that the organs used in transplants in China come not only from individuals officially condemned to death by the judiciary system. Much of the supply originated with a vast population of prisoners of conscience, particularly from Falun Gong practitioners, a group whose members in 1999 were declared opponents of the communist regime, and had their legal rights annulled. They were incarcerated en masse in so-called "re-education camps," tortured and, in what are estimated to be tens of thousands of cases, were executed on demand so their organs could be sold for transplantation. Many testimonies and studies over the years have confirmed that Chinese prisoners of conscience were being subjected to such treatment, but the authorities in Beijing continue to deny it to this day.'<sup>54</sup>

6.4.5 The 2019 United States Department of State report on human rights practices (the 2019 USSD human rights report), covering events in 2019, stated: 'There was no direct evidence of an involuntary or prisoner-based organ transplant system. Nevertheless, some activists and organizations continued to accuse the government of involuntarily harvesting organs from prisoners of conscience, especially members of Falun Gong. The PRC government denied the claims, stating it had officially ended the long-standing practice of harvesting the organs of executed prisoners for use in transplants in 2015.'<sup>55</sup>

6.4.6 The USSD IRF report 2019 noted that:

'Minghui, reported that He Lifang, a Falun Gong practitioner from Qingdao City, Shandong Province, was arrested in May [2019] and died in custody on July 2. According to Minghui, his family observed a sewn-up incision on his chest and an open incision on his back. The police first said the incisions were a result of an autopsy, but his family suspected his organs had been harvested either while he was alive or shortly after his death. In November Wang Dechen of Harbin City, Heilongjiang Province, died after serving four years of a 10-year prison term. According to the family, prison authorities would not allow them to get close to Wang's body and pressured them to

<sup>53</sup> Haaretz.com, '[A Web of Lies: China Promised to Stop Organ Harvesting...](#)' 21 December 2019

<sup>54</sup> Haaretz.com, '[A Web of Lies: China Promised to Stop Organ Harvesting...](#)' 21 December 2019

<sup>55</sup> USSD, '[2019 Country Reports on Human Rights Practices: China](#)', (section 1c), 11 March 2020

consent to have his body cremated two days after his death. His family said they suspected he had been a victim of organ harvesting.<sup>56</sup>

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Section 7 updated: 22 September 2020

## 7. Freedom of movement

7.1.1 The 2019 DFAT report stated that: ‘Falun Gong practitioners known to the authorities would likely find it difficult to obtain a passport. Sources report some migration agents, particularly in transit countries, may have coached would-be asylum seekers on Falun Gong practices to facilitate their claims.’<sup>57</sup>

7.1.2 The 2019 USSD human rights report noted that

‘Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations.

‘...The government maintained restrictions on the freedom to change one’s workplace or residence, the national household registration system (*hukou*) continued to change, and the ability of most citizens to move within the country to work and live continued to expand. While many rural residents migrated to the cities, where the per capita disposable income was approximately three times the rural per capita income, they often could not change their official residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits they could issue, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for rural residents to obtain household registration in more economically developed urban areas.

‘The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the Statistical Communique of the People’s Republic of China on 2019 National Economic and Social Development, published in February by the National Bureau of Statistics of China, 286 million individuals lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

‘From May to July, non-Beijing residents applied for a Beijing hukou under the special municipality’s new points-based system. Under the new policy enacted in 2018, nonnatives of the city under the legal retirement age who have held a Beijing temporary residence permit with the city’s social insurance records for seven consecutive years and were without a criminal record were eligible to accumulate points for the hukou. Those with “good

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<sup>56</sup> USSD ‘[2019 Report on International Religious Freedom: China](#)’, 10 June 2020

<sup>57</sup> DFAT, ‘[Country Report on the People’s Republic of China](#)’, (p33 & 34), 3 October 2019

employment, stable homes in Beijing, strong educational background, and achievements in innovation and establishing start-ups in Beijing” were reportedly likely to obtain high scores in the point-based competition.’<sup>58</sup>

7.1.3 The report went on to note that:

‘The law neither provides for a citizen’s right to repatriate nor addresses exile. The government continued to refuse re-entry to numerous citizens considered dissidents, Falun Gong activists, or “troublemakers.” Although authorities allowed some dissidents living abroad to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled.’<sup>59</sup>

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<sup>58</sup> USSD, [‘2019 Country Reports on Human Rights Practices: China’](#), (Section 2d), 11 March 2020

<sup>59</sup> USSD, [‘2019 Country Reports on Human Rights Practices: China’](#), (Section 2d), 11 March 2020

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context on freedom of speech, assembly, association and religion
- Falun Gong
  - What is Falun Gong?
  - Practice and beliefs
  - History
- State treatment of Falun Gong practitioners
  - Legal context
  - Overview
  - Detention and treatment in detention
  - Organ harvesting

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **11 November 2020**

## Changes from last version of this note

Updated assessment and country information.

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